

## REMARKS

The Examiner has rejected claims 1, 2, 4, 6, 7, 9-11, 13-15, 17-19, 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Perrie in view of Spears. Applicant has amended claims 1, 6, 13, 15, 17, 19 and 21 to more concisely define the invention.

Even assuming the combination of Perrie and Spears is proper, the combination does not render the instant claims obvious.

Each of the aforementioned claims recites that a single player wager corresponds to a pre-established low sum and pre-established high sum. That is, the player's initial wager, which is placed prior to any rolls of the dice, is not placed specifically on a low sum or high sum. The player's election to go after a low sum or high sum is made after at least a first roll of the dice.

To the contrary, Spears discloses a game wherein players place initial wagers on either a low sum or high sum. Consequently, once the wager is placed and the dice are rolled, the player has no opportunity to elect to pursue an opposite sum based on the sum of the first roll. For example, under Spears, an initial wager on a high sum wins if five dice have a sum between 19 and 30 after a single roll. However, once the player places the high sum wager, he or she has no way of winning the low sum wager. With the present invention, the initial wager covers both the low sum and high sum. Accordingly, based on the results (i.e., sum of the dice) of at least a first roll of the dice, the player is able to pursue the more likely path to a winning outcome.

For example, with the present invention, if the outcome of a first roll of five dice is 1, 1, 2, 1 and 6, the player is able to elect to pursue a low sum by holding the 1, 1, 2 and 1 and discarding and re-rolling the dice showing the 6. In other words, the player may decide after at least the first roll of the dice which sum, low or high, to pursue. This adds excitement to the game and allows players to participate more substantially in game outcomes.

Combining Pierre and Spears results in a dice game wherein a player may place a low sum wager or high sum wager and hold or discard dice seeking to obtain the low sum or high sum corresponding to the wager. However, the combination does not disclose or suggest that a player may place a single high-low wager which can be resolved as a

**Amendments to the Drawings:**

The attached six (6) sheets of replacement drawings include Figs. 1-6 having been made formal. These sheets replace the original sheets including Figs. 1-6.

winning wager based on either a low sum or high sum. That is, although impractical, the Pierre/Spears combination only discloses the player being able to place both a low sum wager and a separate high sum wager. In other words, two separate wagers would need to be placed. Placing both wagers is impractical since the player is only able to lose under such circumstances. There is no disclosure in Pierre or Spears or the combination of the two whereby a player may place a single wager and win by obtaining either a low sum or a high sum within a range of pre-established low sums and high sums. The single wager of the present invention allows the player to take advantage of at least the first dice roll. Using the example from above, in reference to the Pierre/Spears combination, if the player placed a high sum wager and the outcome of a first roll of five dice is 1, 1, 2, 1 and 6, the player would logically hold the 6 and re-roll the other four dice showing 1, 1, 2 and 1. Accordingly, the odds of the player rolling a winning high sum are diminished and the player's excitement level is extinguished before the game even ends. Moreover, the player also has a reduced role in participating or determining the game outcome.

The high-low wager of the present invention is not obvious in light of the Pierre/Spears combination. More particularly, the Pierre/Spears combination fails to disclose or suggest a dice game having a draw feature wherein a single wager may be resolved as a winning wager in response to either a low sum or high sum.

## CONCLUSION

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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